



Howard County Government

CB62-2019

Primary Information

Title: AN ACT repealing and reenacting the Forest Conservation Act of Howard County; providing the purpose of the Act; defining certain terms to be used throughout the Act; requiring a Forest Conservation Plan for any person, or unit of local government, developing land 40,000 square feet or greater, subject to certain exceptions; requiring a Declaration of Intent for certain exemptions; setting forth the requirements of a Forest Conservation Plan; providing for the review process of a Forest Conservation Plan; requiring a Forest Conservation Manual to be prepared and adopted; requiring that the Manual include specific standards and guidelines; setting forth certain Forest Retention Priorities; requiring certain reforestation requirements and providing that reforestation shall be based on certain calculations; requiring certain afforestation and providing that afforestation shall be based on certain calculations; setting forth certain afforestation and reforestation location priorities and preferred methods; requiring certain site design; requiring certain financial security for afforestation and reforestation; authorizing a fee-in-lieu of afforestation and reforestation under certain conditions; providing for Forest Conservation Fund to keep the fee-in-lieu of afforestation and reforestation and providing for the use of monies contained in the fund; providing for certain enforcement and penalties; requiring mitigation by the County when land is developed in violation of the Act; providing for certain appeals; allowing for the grant of variances of the provisions of the Act, under certain circumstances; allowing the abandonment of Forest Conservation Easements under certain conditions; providing for the opportunity to create a Forest Mitigation Bank under certain conditions; and generally related to forest conservation in Howard County.

Short Title: Forest Conservation Act.

Category: General

Primary Sponsors: The Chairperson at the request of the County Executive

Secondary Sponsors: Liz Walsh, Opel Jones, Christiana Mercer Rigby, Deb Jung

Status: Passed as Amended

Date Signed: 12/6/2019

Date Enacted:

Date Vetoed:

Date Veto Overridden:

Amendments

Amendment 1

Amendment Date: 12/02/2019

Legislative Day: 14



Howard County Government

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Comments: (This amendment:

1. Changes the definition of forest to distinguish between an existing forest and a replanted forest;
 2. Strengthens language related to site design requirements;
 3. Removes a reference to alternative compliance;
 4. Corrects a cross reference; and
 5. Writes out a term to avoid using an acronym.)
-



Howard County Government

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Amendment 1 to Council Bill No. 62-2019

BY: The Chairperson at the request Legislative Day 14

of the County Executive Date: December 2, 2019

Amendment No. 1

(This amendment:

- 1. Changes the definition of forest to distinguish between an existing forest and a replanted forest;*
- 2. Strengthens language related to site design requirements;*
- 3. Removes a reference to alternative compliance;*
- 4. Corrects a cross reference; and*
- 5. Writes out a term to avoid using an acronym.)*

On page 2, strike line 25 and substitute “35 feet wide for an existing forest and at least 50 feet wide for a replanted forest. “Forest” includes:”.

On page 5, in line 26, strike “08.19.03” and substitute “08.09.03.01”.

On page 17, in line 18, strike “accommodate forest conservation”.

On page 17, in line 19, strike “obligations on-site by establishing” and substitute “establish”.

On page 17, line 20, after “all” insert “on-site”.

On page 17, in line 24, strike “between” and substitute “outside”.

On page 17, in line 24, strike “buffer” and substitute “buffer, as defined by subdivision regulations.”.

On page 17, in line 25, after “construction” insert “then reforested”.

On page 17, in line 31, after “districts” insert “that propose to import development density.”.

On page 23, in line 22, after “DBH” insert “(diameter at breast height)”.

On page 23, in line 27, strike “deferral, phasing of obligations, or seeking alternative compliance” and substitute “deferral or phasing of obligations”.



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Motions on Amendment

Motion to Approve

Motion Date: 12/2/2019

Final Action: Passed as Amended

Moved By : Christiana Mercer Rigby

Seconded By : Opel Jones

Name	District	Vote
Liz Walsh	1	Yes
Opel Jones	2	Yes
Christiana Mercer Rigby	3	Yes
Deb Jung	4	Yes
David Yungmann	5	Yes



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Amendment 2

Amendment Date: 12/02/2019

Legislative Day: 14

Comments: (This amendment proposes to reduce the size of a forest from 50 feet to 35 feet.)

Amendment 2 to Council Bill No. 62 - 2019

BY: David Yungmann Legislative Day No. 14

Date: December 2, 2019

Amendment No. 2

(This amendment proposes to reduce the size of a forest from 50 feet to 35 feet.)

On page 2, in line 25, strike "50" and substitute "35".

Motions on Amendment

Motion to Approve

Motion Date: 12/2/2019

Final Action: Failed

Moved By : David Yungmann

Seconded By : Christiana Mercer Rigby

Name	District	Vote
Liz Walsh	1	No
Opel Jones	2	Yes
Christiana Mercer Rigby	3	No
Deb Jung	4	No
David Yungmann	5	Yes



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Amendment 3

Amendment Date: 12/02/2019

Legislative Day: 14

Comments: (This amendment proposes to replace other qualified professionals with a certified arborist.)

Amendment 3 to Council Bill No. 62 - 2019

BY: Christiana Mercer Rigby Legislative Day No. 14

Deb Jung

Date: December 2, 2019

Amendment No. 3

(This amendment proposes to replace other qualified professionals with a certified arborist.)

On page 10, in lines 6 and 7, strike the remainder of the sentence after “forester,” and substitute “licensed landscape architect, or certified arborist.”.

Motions on Amendment

Motion to Approve

Motion Date: 12/2/2019

Final Action: Passed

Moved By : Christiana Mercer Rigby

Seconded By : Deb Jung

Name	District	Vote
Liz Walsh	1	Yes
Opel Jones	2	Yes
Christiana Mercer Rigby	3	Yes
Deb Jung	4	Yes
David Yungmann	5	Yes



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Amendment 4

Amendment Date: 12/02/2019

Legislative Day: 14

Comments: (This amendment proposes to change the threshold percentages in for most land uses.)

Amendment 4 to Council Bill No. 62 - 2019

BY: Deb Jung Legislative Day No. 14

Liz Walsh

Date: December 2, 2019

Amendment No. 4

(This amendment proposes to change the threshold percentages in for most land uses.)

On page 14, in the second row of the chart, strike "25%" and substitute "30%".

On page 14, in the third row of the chart, strike "20%" and substitute "25%".

On page 14, in the fourth row of the chart, strike "20%" and substitute "25%".

On page 14, in the fifth row of the chart, strike "15%" and substitute "20%".

On page 14, in the sixth row of the chart, strike "15%" and substitute "25%".

Motions on Amendment

Motion to Approve

Motion Date: 12/2/2019

Final Action: Passed as Amended

Moved By : Liz Walsh

Seconded By : Deb Jung

Name	District	Vote
Liz Walsh	1	Yes
Opel Jones	2	Yes
Christiana Mercer Rigby	3	Yes
Deb Jung	4	Yes
David Yungmann	5	No



Howard County Government

CB62-2019

Amendment 5

Amendment Date: 12/02/2019

Legislative Day: 14

Comments: (This amendment proposes to change the reforestation calculation ratios and minimum acreage.)

Amendment 5 to Council Bill No. 62 - 2019

BY: Deb Jung Legislative Day No. 14

Liz Walsh

Date: December 2, 2019

Amendment No. 5

(This amendment proposes to change the reforestation calculation ratios and minimum acreage.)

On page 14, in line 5, after the comma, strike "1/2" and substitute "1".

On page 14, in line 7, within the parentheses, strike "1/2:1" and substitute "1:1".

On page 14, in line 8, strike "1" and substitute "1.5".

On page 14, in line 9, within the parentheses, strike "1:1" and substitute "1.5:1".

Motions on Amendment

Motion to Approve

Motion Date: 12/2/2019

Final Action: Failed

Moved By : Liz Walsh

Seconded By : Deb Jung

Name	District	Vote
Liz Walsh	1	Yes
Opel Jones	2	No
Christiana Mercer Rigby	3	No
Deb Jung	4	Yes
David Yungmann	5	No

Amendment 6

Amendment Date: 12/02/2019

Legislative Day: 14



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Comments: (This amendment proposes to change the reforestation calculation ratios.)

Amendment 6 to Council Bill No. 62 - 2019

BY: David Yungmann Legislative Day No. 14

Date: December 2, 2019

Amendment No. 6

(This amendment proposes to change the reforestation calculation ratios.)

On page 14, in line 8, strike "1" and substitute "3/4".

On page 14, in line 9, within the parentheses, strike "1:1" and substitute "3/4:1".

On page 14, in line 12, strike "3" and substitute "2.5".

On page 14, in line 14, within the parentheses, strike "3:1" and substitute "2.5:1".

On page 14, in line 17, insert the following:

1. "Forest cleared within the on-site priority retention priority areas listed below, which clearing is not associated with utility installation or maintenance, storm water management outfalls, and/or roads, shall plant additional forest at the rates specified below: forested 100-year floodplain, 3 acres for each acre or portion of an acre cleared (3:1)
2. Forested streams, forested stream buffers, forested non-tidal wetlands and their forested buffers within 100' of a stream or stream buffer, 2 acres for each acre or portion of an acre cleared (2:1).
3. Forested steep slopes and their buffers that are contiguous with the areas mentioned in (a) and (b) above, 1.5 acres for each acre or portion of an acre cleared (1.5:1)."

Motions on Amendment

Motion to Approve

Motion Date: 12/2/2019

Final Action: Failed

Moved By : David Yungmann

Seconded By : Christiana Mercer Rigby

Name	District	Vote
Liz Walsh	1	No
Opel Jones	2	No
Christiana Mercer Rigby	3	No
Deb Jung	4	No
David Yungmann	5	Yes



Howard County Government

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Amendment 7

Amendment Date: 12/02/2019

Legislative Day: 14

Comments: (This amendment proposes to remove the one acre minimum requirements for residential sites.)

Amendment 7 to Council Bill No. 62 - 2019

BY: Liz Walsh Legislative Day No. 14

Date: December 2, 2019

Amendment No. 7

(This amendment proposes to remove the one acre minimum requirements for residential sites.)

On page 17, in line 26, strike "with more than one acre of obligation".

Motions on Amendment

Motion to Approve

Motion Date: 12/2/2019

Final Action: Failed

Moved By : Liz Walsh

Seconded By : Christiana Mercer Rigby

Name	District	Vote
Liz Walsh	1	Yes
Opel Jones	2	No
Christiana Mercer Rigby	3	No
Deb Jung	4	Yes
David Yungmann	5	No



Howard County Government

CB62-2019

Amendment 9

Amendment Date: 12/02/2019

Legislative Day: 14

Comments: (This amendment alters the variance section to remove a definition of unwarranted hardship.)

Amendment 9 to Council Bill No. 62-2019

BY: The Chairperson at the request Legislative Day 14

of the County Executive Date: December 2, 2019

Amendment No. 9

(This amendment alters the variance section to remove a definition of unwarranted hardship.)

On page 22, strike lines 23 through 25, inclusive and in their entirety.

On page 22, in line 26, strike “(c)” and substitute “(b)”.

On page 23, in line 1, strike “(d)” and substitute “(c)”.

On page 23, in line 21, strike “(e)” and substitute “(d)”.

On page 23, in line 23, strike “(f)” and substitute “(e)”.

Motions on Amendment

Motion to Approve

Motion Date: 12/2/2019

Final Action: Passed

Moved By : Christiana Mercer Rigby

Seconded By : Opel Jones

Name	District	Vote
Liz Walsh	1	No
Opel Jones	2	Yes
Christiana Mercer Rigby	3	No
Deb Jung	4	Yes
David Yungmann	5	Yes



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Amendment 10

Amendment Date: 12/02/2019

Legislative Day: 14

Comments: (This amendment proposes to change Specimen Tree requirements.)

Amendment 10 to Council Bill No. 62 - 2019

BY: David Yungmann Legislative Day No. 14

Date: December 2, 2019

Amendment No. 10

(This amendment proposes to change Specimen Tree requirements.)

On page 22, strike lines 23 – 25, in their entirety.

On page 22, in line 29, strike “Directors” and substitute “Director”.

On page 22, in line 30, after the comma, insert “in consultation with”

On page 23, strike lines 21 – 22, and substitute the following:

“(E) Specimen Trees.

1) Removal of a specimen tree in dead or dying condition does not require a variance.

2) Any native specimen tree removed shall be replaced on-site by at least two native trees with a DBH of at least three inches.”.

Renumber the section accordingly.



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Motions on Amendment

Motion to Approve

Motion Date: 12/2/2019

Final Action: Failed

Moved By : David Yungmann

Seconded By : Christiana Mercer Rigby

Name	District	Vote
Liz Walsh	1	No
Opel Jones	2	No
Christiana Mercer Rigby	3	No
Deb Jung	4	No
David Yungmann	5	No



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Amendment 11

Amendment Date: 12/02/2019

Legislative Day: 14

Comments: (This amendment proposes to remove the Planning Board from the variance process.)

Amendment 11 to Council Bill No. 62 - 2019

BY: Deb Jung Legislative Day No. 14

Liz Walsh

Date: December 2, 2019

Amendment No. 11

(This amendment proposes to remove the Planning Board from the variance process.)

On page 22, strike lines 27 – 32, in their entirety, and substitute the following:

“denied in writing by the Directors of the Department of Planning and Zoning, the Administrator of the Office of Community Sustainability, and the Director of the Department of Recreation and Parks.”.

On page 23, in line 3, strike “or the Planning Board”.

Motions on Amendment

Motion to Approve

Motion Date: 12/2/2019

Final Action: Passed

Moved By : Deb Jung

Seconded By : Liz Walsh

Name	District	Vote
Liz Walsh	1	Yes
Opel Jones	2	Yes
Christiana Mercer Rigby	3	Yes
Deb Jung	4	Yes
David Yungmann	5	Yes



Howard County Government

CB62-2019

Amendment 12

Amendment Date: 12/02/2019

Legislative Day: 14

Comments: (This amendment proposes to require only nursery stock plants be planted in forest mitigation banks.)

Amendment 12 to Council Bill No. 62 - 2019

BY: Deb Jung Legislative Day No. 14

Liz Walsh

Date: December 2, 2019

Amendment No. 12

(This amendment proposes to require only nursery stock plants be planted in forest mitigation banks.)

On page 24, in line 29, strike “whips, or seedlings,”.

Motions on Amendment

Motion to Approve

Motion Date: 12/2/2019

Final Action: Failed

Moved By : Deb Jung

Seconded By : Liz Walsh

Name	District	Vote
Liz Walsh	1	Yes
Opel Jones	2	No
Christiana Mercer Rigby	3	No
Deb Jung	4	Yes
David Yungmann	5	No



Howard County Government

CB62-2019

Amendment 13

Amendment Date: 12/02/2019

Legislative Day: 14

Comments: (This amendment proposes to remove the "Grandfathering" clause.)

Amendment 13 to Council Bill No. 62 - 2019

BY: Deb Jung Legislative Day No. 14

Liz Walsh

Date: December 2, 2019

Amendment No. 13

(This amendment proposes to remove the "Grandfathering" clause.)

On page 25, strike lines 18 - 24, in their entirety.

On page 25, in line 26, strike "3" and substitute "2".

Motions on Amendment

Motion to Approve

Motion Date: 12/2/2019

Final Action: Passed

Moved By : Liz Walsh

Seconded By : Deb Jung

Name	District	Vote
Liz Walsh	1	Yes
Opel Jones	2	Yes
Christiana Mercer Rigby	3	Yes
Deb Jung	4	Yes
David Yungmann	5	No



Howard County Government

CB62-2019

Amendment 1 to Amendment 1

Amendment Date: 12/02/2019

Legislative Day: 14

Comments: (This amendment corrects a cite.)

Amendment 1 to Amendment No. 1 to Council Bill No. 62-2019

BY: The Chairperson at the request Legislative Day 14

of the County Executive Date: December 2, 2019

Amendment No. 1

(This amendment corrects a cite.)

On page 1, in line 4, strike "08.09.03.01" and substitute "08.19.03.01".

Motions on Amendment

Motion to Approve

Motion Date: 12/2/2019

Final Action: Passed

Moved By : Christiana Mercer Rigby

Seconded By : Opel Jones

Name	District	Vote
Liz Walsh	1	Yes
Opel Jones	2	Yes
Christiana Mercer Rigby	3	Yes
Deb Jung	4	Yes
David Yungmann	5	Yes



Howard County Government

CB62-2019

Amendment 1 to Amendment 4

Amendment Date: 12/02/2019

Legislative Day: 14

Comments: (This amendment changes the threshold ratio for mixed use development, only.)

Amendment _1__ to Amendment No. 4 to Council Bill No. 62-2019

BY: Christiana Mercer Rigby Legislative Day _14_

Date: December 2, 2019

Amendment No. __1__ to Amendment No. 4

(This amendment changes the threshold ratio for mixed use development, only.)

On page 1, strike lines 16 through 22, inclusive and in their entirety.

On page 1, in line 24, strike “25%” and substitute “20%”.

Motions on Amendment

Motion to Approve

Motion Date: 12/2/2019

Final Action: Passed

Moved By : Christiana Mercer Rigby

Seconded By : Opel Jones

Name	District	Vote
Liz Walsh	1	No
Opel Jones	2	Yes
Christiana Mercer Rigby	3	Yes
Deb Jung	4	Yes
David Yungmann	5	Yes



Howard County Government

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Amendment 1 to Amendment 7

Amendment Date: 12/02/2019

Legislative Day: 14

Comments: (This amendment removes the exemption for developments with 10 or fewer lots.)

Amendment 1 to Amendment 7 to Council Bill No. 62 - 2019

BY: Liz Walsh Legislative Day No. 14

Date: December 2, 2019

Amendment No. 1

(This amendment removes the exemption for developments with 10 or fewer lots.)

On page 1, in line 18, insert the following:

“On page 17, strike beginning with “Infill” in line 29 through the period in line 30.”.

Motions on Amendment

Motion to Approve

Motion Date: 12/2/2019

Final Action: Failed

Moved By : Liz Walsh

Seconded By : David Yungmann

Name	District	Vote
Liz Walsh	1	Yes
Opel Jones	2	No
Christiana Mercer Rigby	3	No
Deb Jung	4	Yes
David Yungmann	5	No



Howard County Government

CB62-2019

Motions/Votes On Legislation

Motion to Approve

Motion Date: 12/2/2019

Final Action: Passed as Amended

Moved By : Christiana Mercer Rigby

Seconded By : Opel Jones

Name	District	Vote
Liz Walsh	1	Yes
Opel Jones	2	Yes
Christiana Mercer Rigby	3	Yes
Deb Jung	4	Yes
David Yungmann	5	No

Documents

[Amendment 10](#) - Amendments

[Amendment 11](#) - Amendments

[Amendment 12](#) - Amendments

[Amendment 13](#) - Amendments

[Amendment 1 to Amendment 1](#) - Amendments

[Amendment 1 to Amendment 4](#) - Amendments

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[Amendment 1](#) - Amendments

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[Amendment 6](#) - Amendments

[Amendment 7](#) - Amendments

[Amendment 9](#) - Amendments

[Admin Testimony](#) - Supporting Documents

[FC Reports 2013-2018 analysis](#) - Supporting Documents

[Forest Conservation Enforcement Actin FY18-FY20](#) - Supporting Documents

[public hearing testimony](#) - Supporting Documents

[Amendments signed](#) - Amendments

[CB62-2019](#) - Final (Amended)

[written testimony 10.28](#) - Supporting Documents

[written testimony 11.12-1.18](#) - Supporting Documents

[written testimony 11.18-11.21](#) - Supporting Documents

[written testimony 11.25-12.2](#) - Supporting Documents

[CB62-2019](#) - As Introduced

[CB62-2019public](#) - Supporting Documents